

FEB 21 2014
BY: JULIA M. BURKE, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DAVID EATON,) CASE NO. 7:13CV00367

Petitioner,)

v.)

COMMONWEALTH OF VIRGINIA,) By: James C. Turk
Respondent.) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that petitioner's motion for appointment of counsel (ECF No. 2) is **DENIED**; the motion to dismiss (ECF No. 4) is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED** with prejudice, and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 21st day of February, 2014.



Senior United States District Judge